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Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation,

No. 2:15-MD-02641-DGC

**DEFENDANTS' MOTION IN
LIMINE TO EXCLUDE EVIDENCE
OF FINANCIAL INFORMATION**

DORIS JONES and ALFRED JONES, a
married couple,

(Assigned to the Honorable David G.
Campbell)

Plaintiffs,

v.

C. R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, INC., an Arizona
corporation,

Defendants.

**BARD'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE
OF THE FINANCIAL STATUS OF EITHER PARTY**

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively “Defendants” or “Bard”) submit this Motion *in Limine*, respectfully requesting that the Court exclude evidence of the parties’ financial status, which includes evidence of Plaintiff’s purported inability to pay her medical expenses or obtain medical care because she cannot afford it.

Any evidence regarding Plaintiff’s alleged inability to pay for medical or healthcare expenses is irrelevant, highly prejudicial to Defendants, and constitutes nothing more than an attempt to garner sympathy from the jury and/or to convince them to make their decision on improper grounds. The financial resources of a party generally are not relevant in a tort action. *Worthy v. Kendall*, 222 Ga. App. 324, 325-326, 474 S.E. 2d 627 (1996). *See also, Webb v. Thomas Trucking, Inc.*, 255 Ga. App. 637, 641, 566 S.E.2d 390, 395 (2002) (finding that the trial court properly excluded testimony expressing concern over the payment of bills due to financial condition); Fed. R. Evid. 402 and 403. *See also, e.g., Fedon Mavromatis & Elisabeth Mavromatis v. Murphy*, No. 1:14-CV-3469-WSD, 2016 WL 3012051, at *2 (N.D.G.A 2016) (granting Defendant’s Motion *in Limine* to exclude evidence concerning Plaintiffs’ inability to pay medical expenses).

WHEREFORE, Defendants respectfully request that this Court grant their Motion *in Limine* and enter an order excluding any argument, evidence, or suggestions to the jury regarding the parties financial status and wealth or alleged lack thereof including evidence of Plaintiff’s purported inability to pay her medical expenses or obtain medical care because she cannot afford it.

(Signatures on following page)

1 RESPECTFULLY SUBMITTED this 18th day of April, 2018.

2
3 s/Richard B. North, Jr.

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15 **Attorneys for Defendants C. R. Bard, Inc. and**
16 **Bard Peripheral Vascular, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April, 2018, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

s/Richard B. North, Jr.
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